

E-002/C-90-271; E-002/C90-290; E-002/C90-358 GRANTING ADDITIONAL TIME FOR
DISCOVERY AND COMMENTS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Darrel L. Peterson	Chair
Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner
Robert J. O'Keefe	Commissioner
Patrice Vick	Commissioner

In the Matter of a Complaint From the City of Tracy Regarding Northern States Power Company's Removal of a Centralized Construction Crew and Equipment From the City of Tracy

ISSUE DATE: August 17, 1990

DOCKET NO. E-002/C-90-271

In the Matter of a Complaint From the City of Currie Regarding Northern States Power Company's Removal of a Centralized Construction Crew and Equipment From the City of Tracy

DOCKET NO. E-002/C-90-290

In the Matter of a Complaint From the City of Garvin Regarding Northern States Power Company's Removal of a Centralized Construction Crew and Equipment From the City of Tracy

DOCKET NO. E-002/C-90-358

ORDER GRANTING ADDITIONAL TIME
FOR DISCOVERY AND COMMENTS

PROCEDURAL HISTORY

On April 16, 1990, the City of Tracy filed a formal complaint with the Commission against Northern States Power Company, Electric Utility (NSP or the Company) regarding the Company's relocation of a two-person construction crew from Tracy to Pipestone. The City of Tracy requested that the Commission either order the Company to restore the crew to Tracy or schedule an evidentiary hearing in the City of Tracy.

On April 23, 1990 and on May 14, 1990, respectively, the City of Currie and the City of Garvin filed similar complaints. Hereafter, the complainants will be referred to as "the Cities".

On May 25, 1990, the Commission issued notice of the City of Tracy's complaint informing the Company of its right to file a response by June 12, 1990 and requesting interested parties to file

comments regarding the complaint or the Company's response to the complaint by July 6, 1990.

On June 13, 1990, the Company filed its response to the complaint denying that the deployment of the crew to Pipestone significantly affected the quality of service in Tracy and the surrounding area. The Company requested that the Commission dismiss the complaints.

On June 25, 1990, the Minnesota Department of Public Service served Department Information Requests Nos. 1-5 on the Company and Nos. 6-7 on the Cities.

On June 25, 1990, the Lyon County Board of Commissioners filed a letter supporting the Cities' complaints, commenting on the Company's response and requesting that the Commission require the Company to supply certain information.

On July 5, 1990, the Company filed reply comments to the Lyon County Board of Commissioners' June 25, 1990 filing, requesting that the Commission deny the request of the Lyon County Board of Commissioners that the Commission require the Company to reply to certain information requests.

On July 6, 1990, the cities of Tracy and Currie filed responsive comments to the Company's June 13, 1990 response to the Cities' complaint and requested that the Commission require the Company to respond to certain information requests.

On July 6, 1990, the Department filed comments regarding the Cities' complaints, the Company's response and the need for further discovery.

On July 24, 1990 the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

The Cities' complaints against NSP are before the Commission pursuant to Minn. Stat. § 216B.17 which provides in pertinent part:

...upon a complaint of the governing body of any subdivision...that any act or omission affecting or relating to...the delivery or furnishing ...electricity or any service in connection therewith is in any respect unreasonable, insufficient or unjustly discriminatory, or that any service is inadequate, the commission shall proceed, with notice, to conduct such investigation as it may deem necessary.

The gist of the Cities' complaint is that in moving a two-person construction crew from Tracy to Pipestone NSP has failed to maintain adequate levels of service to the Cities in violation of the requirements of Minn. Stat. § 216B.04 and has unjustly discriminated against the Cities in violation of a standard of service enunciated by Minn. Stat. § 216B.17. A balancing requirement is that NSP must operate as efficiently as possible, consistent with the other goals of Minn. Stat. § 216B.04.

Despite the receipt of information referred to prior to its meeting on this matter on July 24, 1990, the Commission finds that additional information will be required to form the basis for the Commission's determination of these complaints. Accordingly, the Commission will authorize all parties to conduct additional discovery and make comments on the following three issues on or before August 24, 1990:

1. To what degree does NSP's decision to remove its construction crew affect its ability to respond to outages in Tracy and the surrounding area? Is the resulting quality of service significantly inferior to that available in other parts of NSP's territory?
2. To what degree are critical services (such as life support systems) interrupted during outages?
3. To what extent will NSP realize operational efficiencies from its decision to remove its construction crew?

ORDER

1. All parties to this matter are authorized to conduct discovery regarding the three issues listed in the text of this Order and submit comments on these items on or before August 24, 1990.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)